

Art and Politics

IN JANUARY LAST YEAR, the U.S. imposed strict import restrictions on Chinese art and artifacts. The timing of the U.S. import ban was a surprise. The request from the People's Republic was announced by the U.S. State Department in early 2004, but after one brief public hearing in early 2005, followed by five years of silence and stonewalling at the State Department, the measure was quietly added to a list of goodwill gestures staged to celebrate the 30th anniversary of diplomatic relations between the U.S. and the PRC. President Bush signed the executive order on January 16, 2009 (just days before the end of his term), without consulting his U.S. ambassador in China.

The unilateral embargo covers all categories of Chinese art and artifacts from the Paleolithic era (beginning about 75,000 B.C.) through the end of the Tang Dynasty (A.D. 907) and all "monumental sculpture and wall art" more than 250 years old. The U.S. alone is imposing this ban. No other country is subject to the embargo.

The immediate reaction to the announcement was confusion and fear, because the scope of the new regulations and the requirements for compliance are widely misunderstood or unknown. This uncertainty is not surprising, since the State Department has published only one lengthy announcement, written in mind-numbing legalese and omitting any explanation of the correct procedure or documents required for licit importation. Collectors, museum professionals, dealers, and lawyers in the U.S. and abroad are still trying to find reliable guidelines. The ban may be difficult to understand, but the message it conveys to Americans is loud and clear: Stay away from Chinese art.

The embargo is not retroactive, and objects that were outside mainland China before January 16, 2009, are automatically exempt. But this exemption is not widely understood, and the uncertainty of the rules and fear of the arbitrary power of U.S. Customs officials have had a chilling effect on the U.S. market. Foreign dealers, facing the ambiguity of the new Customs regulations, simply do not offer Chinese art to U.S. museums or collectors. A secondary effect has been a significant increase in the premium added to the price of any Chinese art object with long-documented provenance. Politicizing the issue has not solely affected collectors and dealers. High-level museum patrons are turning away from Chinese art, undercutting U.S. curators seeking to mount special exhibitions and build museum collections. As support for the field disappears, museums and universities will be unable to continue their commitment to it.

Some observers might focus on the stated objective of the measure: to stop the illicit digging in China by taking U.S.

collectors and museums out of the international market. But one has only to read the frequent news reports on the booming Chinese market to understand that the ban will have no effect. Anyone in China handling illicit art still has easy access to buyers in Japan, Taiwan, and elsewhere in the international market, but in fact the market inside China is now so strong that there is very little temptation to send anything outside for sale. The volume of Chinese art sold in China today is greater

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than the total sold in the rest of the world combined, and the internal demand continues to grow at an exponential rate. Mainland Chinese auctioneers, dealers, and collectors are

also active around the globe. In recent years the export of art from China has declined steadily, but due to the economic boom and PRC government policies, the amount of art being imported into China is soaring.

The U.S. ban has no impact in China for the simple reason that the American market for Chinese art is too small: U.S. buying represents only a tiny fraction of the world market—well below 5 percent and dwindling.

At Chinese-art auctions inside China as well as in Europe and the U.S. Chinese dealers and collectors are now the dominant players. During the past two years, the dollar value of purchases by mainland buyers at major New York auction houses has increased by more than 50 percent. And in March, when Christie's offered a

selection of Chinese bronzes and jade carvings from the Arthur M. Sackler collections, nearly 60 percent of the lots were sold to mainland Chinese buyers.

The stated purpose of the U.S. Customs ban is a worthy goal: the protection of Chinese cultural property. American collectors and institutions interested in China strongly endorse that goal, but markets are not moved by good intentions. In the world of Chinese art, Americans are minor players. The Chinese are calling the shots. This is a natural outcome of the economic freedom now enjoyed by the citizens of the PRC, and it's a positive development welcomed by collectors, dealers, and curators in this country. But the U.S. ban on Chinese art is denying its citizens the same freedom. The U.S. embargo is a political gesture that will do no good in China, but the harmful impact in the U.S. will be widespread and long lasting. 田

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At the Sackler sale at Christie's in March, most lots, including this white-jade Buddha, went to mainland Chinese buyers.